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**AUG 16 2004**

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**FROM: VIRGINIA DRESS**

**RE: U.S. PATENT APPLICATION SERIAL NO. 09/932,254  
ATTORNEY DOCKET NO. 0556D**

**DATE: 08/17/04**

**FAX NUMBER: (703) 872-9306**

**NUMBER OF PAGES FOLLOWING THIS SHEET: 3**

**TRANSMISSION INCLUDES THE FOLLOWING:**

**Transmittal Form (1 Page)  
Response to Restriction Requirement (2 Pages)**

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PTO/SB/21 (04-04)

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<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)	Application Number	09/932,254	
	Filing Date	08/16/2001	
	First Named Inventor	Lu Liu	
	Art Unit	1636	
	Examiner Name	Vogel, Nancy S.	
Total Number of Pages in This Submission	3	Attorney Docket Number	V0162

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks		
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm or Individual name	Virginia Dress	
Signature	<i>Virginia Dress</i>	
Date	August 17, 2004	

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Typed or printed name	Virginia Dress		
Signature	<i>Virginia Dress</i>	Date	August 17, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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## CERTIFICATE TRANSMISSION

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Name (Type or Print) Virginia DressRECEIVED  
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Signature

Virginia DressDate August 17, 2004

AUG 16 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

OFFICIAL

Application. No. : 09/932,254 Confirmation No. 3106  
Applicant : Lu Liu  
Filed : 08/16/2001  
TC/A.U. : 1636  
Examiner : Vogel, Nancy S.  
Docket No. : V0162  
Customer No. : 27310  
Title : Novel Constructs and Their Use in Metabolic Pathway Engineering

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

## RESPONSE TO RESTRICTION REQUIREMENT

This is in response to the Office Action of July 27, 2004, in which the Examiner has repeated the required election to one of the following species:

- A. The group consisting of phytoene synthase, phytoene desaturase, z-carotene desaturase, and beta-cyclase;
- B. The group consisting of diaminobutyric acid amino transferase, diaminobutyric acid acetyltransferase, and ecotoine synthase;

Serial No. 09/932,254  
Group Art Unit: 1636

C. The group consisting of beta-kethiolase, D-reductase, and poly(hydroxylalkanoate) synthase; or,

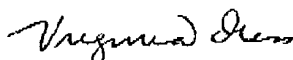
D. The group consisting of ketosynthase-acyltransferase, a chain length factor, an acyl carrier, and a cyclase.

Applicant confirms election of the claims of Group I, as indicated in the reply filed 6/18/04, and further elects the species of B, the group consisting of diaminobutyric acid amino transferase, diaminobutyric acid acetyltransferase, and ecotoine synthase.

Applicant reserves the right to pursue the non-elected inventions in continuing applications.

It is not believed that an extension of time or fees are required. However, in the event that additional extensions of time are necessary to allow consideration of the paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore is hereby authorized to be charged to Deposit Account No. 16-1852.

Respectfully submitted,



Virginia Dress  
Agent for Applicant(s)  
Registration No. 48,243

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